

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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In re:	:	Case No. 22-10384-JCM
	:	
BARRY SCOTT STOLLBERG	:	Related to Doc. 42
<i>Debtor</i>	:	
	:	Hearing: <b>November 30, 2023 at 2:30 p.m.</b>

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**ORDER CONVERTING CASE UNDER CHAPTER 13 TO  
CASE UNDER CHAPTER 7, SETTING DEADLINES, SCHEDULING  
STATUS CONFERENCE, AND TERMINATING WAGE ATTACHMENT**

The Debtor filed a motion to convert his chapter 13 case in accordance with 11 U.S.C. §1307(a) to a case under chapter 7 of title 11 of the U.S. Code.

Based upon the foregoing, it hereby is **ORDERED, ADJUDGED, and DECREED** that:

1. On or before **October 27, 2023**, any party-in-interest who challenges the good faith of the conversion shall file a motion setting forth the basis of the challenge and specifically identifying the relief requested.
2. The wage attachments issued in this case are immediately terminated. The Debtor shall serve a copy of this order on the employers.
3. On or before **October 13, 2023**, the Debtor shall file a schedule of all unpaid debts incurred after the commencement of the chapter 13 case and before conversion as required by FED. R. BANKR. P. 1019(5)(B)(i).
4. On or before **October 13, 2023**, the Debtor shall file the statements and schedules required by FED. R. BANKR. P. 1019(1)(A) and 1007(b), if such documents have not already been filed.
5. On or before **October 30, 2023**, the Debtor shall file a statement of intention with respect to the retention or surrender of estate property securing a debt, as required by 11 U.S.C. §521(a)(2) and FED. R. BANKR. P. 1019(1)(B) and conforming to Official Form 8.
6. The chapter 13 trustee shall immediately turn over to the chapter 7 trustee all records and property of the estate remaining in her custody and control, as required by FED. R. BANKR. P. 1019(4), except that any remaining funds that do not constitute property of the chapter 7 estate shall be returned to the Debtor.

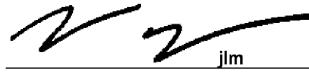
7. On or before **November 28, 2023**, the chapter 13 trustee shall file an accounting of all receipts and distributions made using UST Form 13-FR-S: Chapter 13 Trustee's Final Report and Account. Once she has done so, the chapter 13 trustee is discharged from her duties in this case. The Court retains jurisdiction over the final report and account.
8. If the case is converted after the confirmation of a plan, then on or before **October 30, 2023**, the Debtor shall file:
  - a. A schedule of all property not listed in the final report and account of the chapter 13 trustee which was acquired after the commencement of the chapter 13 case but before the entry of this conversion order, as required by FED. R. BANKR. P. 1019(5)(C)(i);
  - b. A schedule of unpaid debts not listed in the chapter 13 trustee's final report and account, as required by FED. R. BANKR. P. 1019(5)(C)(ii); and
  - c. A schedule of executory contracts and unexpired leases entered into or assumed after the commencement of the chapter 13 case but before the entry of this conversion order, as required by FED. R. BANKR. P. 1019(5)(C)(iii).

The schedule of claimants under subsection (b) of this paragraph shall be filed by entering additional claimants into the CM/ECF system via "Creditor Maintenance." A list of said claimants shall be attached to the FED. R. BANKR. P. 1019 Report.

9. If the Debtor fails to timely file the documents required by this *Order* and FED. R. BANKR. P. 1019, a status conference shall be held on **November 30, 2023 at 2:30 p.m.**, in the Bankruptcy Courtroom, U.S. Courthouse, 17 South Park Row, Erie, PA. Parties may alternatively appear via video from the Pittsburgh Courtroom as identified in Judge Melaragno's Procedure A(8) on the Court's website which can be accessed via the link: <http://www.pawb.uscourts.gov/procedures-3>.
10. The Clerk of Court shall send the notice required by FED. R. BANKR. P. 1019(6). If the report and schedules per paragraphs 3, 8(b), and 8(c) of this *Order* are filed in time for the Clerk to include postpetition creditors in the § 341 notice mailing, the Clerk shall include them in that mailing. Otherwise, the Clerk shall send the notice required by FED. R. BANKR. P. 1019(6) **within ten days of the filing of the report and schedules**.
11. On or before **November 13, 2023**, all chapter 13 fee petitions by any professional shall be filed. Any fee petition shall be captioned "Chapter 13 Fee Petition in Converted Case," and its hearing shall be self-scheduled on Judge Melaragno's chapter 13 motions calendar.

12. On or before **October 4, 2023**, counsel for the Debtor shall serve a copy of this *Order* on all creditors in the case and file a Certificate of Service.

Dated: September 29, 2023

A handwritten signature in black ink, appearing to read 'J. Melaragno', is written over a horizontal line.

JOHN C. MELARAGNO, JUDGE  
UNITED STATES BANKRUPTCY COURT

Case administrator to mail to:

Debtor  
Debtors' counsel  
Ronda J. Winnecour, Esq.  
Office of the U.S. Trustee

SIGNED  
9/29/23 3:07 pm  
CLERK  
U.S. BANKRUPTCY  
COURT - WDPA

In re:  
Barry Scott Stollberg  
Debtor

Case No. 22-10384-JCM  
Chapter 7

## CERTIFICATE OF NOTICE

District/off: 0315-1  
Date Rcvd: Sep 29, 2023

User: auto  
Form ID: pdf900

Page 1 of 2  
Total Noticed: 2

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
#	Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 01, 2023:

Recip ID	Recipient Name and Address
db	#+ Barry Scott Stollberg, 529 Pierce Ave., Sharpsville, PA 16150-2034

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
	+ Email/Text: bnc@chapter13trusteedpa.com	Sep 30 2023 00:44:00	Ronda J. Winnecour, Esq., Suite 3250 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219-2702

TOTAL: 1

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 01, 2023

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 29, 2023 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor Towd Point Mortgage Trust 2019-1 U.S. Bank National Association, as Indenture Trustee bnicholas@kmlawgroup.com
Charles Laputka	on behalf of Debtor Barry Scott Stollberg claputka@laputkalaw.com jen@laputkalaw.com; jbolles@laputkalaw.com

District/off: 0315-1

User: auto

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Date Rcvd: Sep 29, 2023

Form ID: pdf900

Total Noticed: 2

Joseph B. Spero

sperofirm@sperolawoffice.com jspero@ecf.axosfs.com;legalmom18@hotmail.com;kmrougeux@sperolawoffice.com

Office of the United States Trustee

ustpreion03.pi.ecf@usdoj.gov

Ronda J. Winnecour

cmecf@chapter13trusteewdpa.com

TOTAL: 5